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1861.

STATE OF THE UNION.



SPEECH

OF

HON. STEPHEN A. DOUGLAS, OF ILLINOIS,

IN THE SENATE, JANUARY 3, 1861.

The Senate having under consideration the following resolution reported by the select committee of thirteen, appointed to consider the agitated and distracted condition of the country—

Resolved, That the committee have not been able to agree upon any general plan of adjustment, and report that fact to the Senate, together with the journal of the committee:

Mr. DOUGLAS said:

Mr. PRESIDENT: No act of my public life has ever caused me so much regret as the necessity of voting in the special committee of thirteen for the resolution reporting to the Senate our inability to agree upon any general plan of adjustment, which would restore peace to the country and insure the integrity of the Union. If we wish to understand the real causes which have produced such wide-spread and deep-seated discontent in the slaveholding States, we must go back beyond the recent presidential election, and trace the origin and history of the slavery agitation from the period when it first became an active element in Federal politics. Without fatiguing the Senate with tedious details, I may be permitted to assume, without the fear of successful contradiction, that whenever the Federal Government has attempted to decide and control the slavery question in the newly acquired Territories, regardless of the wishes of the inhabitants, alienation of feeling, sectional strife, and discord have ensued; and whenever Congress has refrained from such interference, harmony and fraternal feeling have been restored. The whole volume of our nation's history may be confidently appealed to in support of this proposition. The most memorable instances are the fearful sectional controversies which brought the Union to the verge of disruption in 1820, and again in 1850. It was the territorial question in each case which presented the chief points of difficulty, because it involved the irritating question of the relative political power of the two sections. All the other questions,

which entered into and served to increase the slavery agitation, were deemed of secondary importance, and dwindled into insignificance so soon as the territorial question was definitely settled.

From the period of the organization of the Federal Government, under the Constitution, in 1789, down to 1820, all the territorial governments had been organized upon the basis of non-interference by Congress with the domestic institutions of the people. During that period several new Territories were organized, including Tennessee, Louisiana, Missouri, Mississippi, and Alabama. In no one of these Territories did Congress attempt to interfere with the question of slavery, either to introduce or exclude, protect or prohibit it. During the whole of this period there was peace and good-will between the people of all parts of the Union so far as the question of slavery was concerned.

But the first time Congress ever attempted to interfere with and control that question, regardless of the wishes of the people interested in it, the Union was put in jeopardy, and was only saved from dissolution by the adoption of the compromise of 1820. In the famous Missouri controversy, the majority of the North demanded that Congress should prohibit slavery forever in all the territory acquired from France, extending from the State of Louisiana to the British possessions on the north, and from the Mississippi to the Rocky Mountains. The South and the conservative minority of the North, on the contrary, stood firmly upon the ground of non-intervention, denying the right of Congress to touch the subject. They did not ask Congress to interfere for protection nor for any purpose; while they opposed the right and justice of exclusion. Thus, each party, with their respective positions distinctly defined—the one for and the other against congressional intervention—maintained its position with desperate

persistence until disunion seemed inevitable, when a compromise was effected by an equitable partition of the territory between the two sections on the line of 36 deg. 30 min., prohibiting slavery on the one side and permitting it on the other.

In the adoption of this compromise, each party yielded one half of its claim for the sake of the Union. It was designed to form the basis of perpetual peace on the slavery question by establishing a rule in accordance with which all future controversy would be avoided. The line of partition was distinctly marked so far as our territory might extend; and, by irresistible inference, the spirit of the compromise required the extension of the line on the same parallel whenever we should extend our territorial limits. The North and the South—although each was dissatisfied with the terms of the settlement, each having surrendered one half of its claim—by common consent agreed to acquiesce in it, and abide by it as a permanent basis of peace upon the slavery question. It is true, that there were a few discontented spirits in both sections who attempted to renew the controversy from time to time; but the deep Union feeling prevailed, and the masses of the people were disposed to stand by the settlement as the surest means of averting future difficulties.

Peace was restored, fraternal feeling returned, and we were a happy and united people so long as we adhered to, and carried out in good faith, the Missouri compromise, according to its spirit as well as its letter. In 1845, when Texas was annexed to the Union, the policy of an equitable partition on the line of 36 deg. 30 min. was adhered to, and carried into effect by the extension of the line as far westward as the new acquisition might reach. It is true, there was much diversity of opinion as to the propriety and wisdom of annexing Texas. In the North the measure was opposed by large numbers upon the distinct ground that it was enlarging the area of slave territory within the Union; and in the South it probably received much additional support for the same reason; but, while it may have been opposed and supported, in some degree, north and south, from these considerations, no considerable number in either section objected to it upon the ground that it extended and carried out the policy of the Missouri compromise. The objection was solely to the acquisition of the country, and not to the application of the Missouri compromise to it, if acquired. No fair-minded man could deny that every reason which induced the adoption of the line in 1820, demanded its extension through Texas, and every new acquisition, whenever we enlarged our territorial possessions in that direction. No man would have been deemed faithful to the obligations of the Missouri compromise at that day, who was opposed to its application to future acquisitions.

The record shows that Texas was annexed to the Union upon the express condition that the Missouri compromise should be extended and

made applicable to the country, so far as our new boundaries might reach. The history of that acquisition will show that I not only supported the annexation of Texas, but that I urged the necessity of applying the Missouri compromise to it, for the purpose of extending it through New Mexico and California to the Pacific ocean, whenever we should acquire those Territories, as a means of putting an end to the slavery agitation forever.

The annexation of Texas drew after it the war with Mexico, and the treaty of peace left us in possession of California and New Mexico. This large acquisition of new territory was made the occasion for renewing the Missouri controversy. The agitation of 1849-50 was a second edition of that of 1819-20. It was stimulated by the same motives, aiming at the same ends, and enforced by the same arguments. The northern majority invoked the intervention of Congress to prohibit slavery everywhere in the Territories of the United States—both sides of the Missouri line—south as well as north of 36 deg. 30 min. The South, together with a conservative minority in the North, stood firmly upon the ground of non-intervention, denying the right of Congress to interfere with the subject, but avowing a willingness, in the spirit of concession for the sake of peace and the Union, to adhere to and carry out the policy of an equitable partition on the line of 36 deg. 30 min. to the Pacific ocean, in the same sense in which it was adopted in 1820, and according to the understanding when Texas was annexed in 1845. Every argument and reason, every consideration of patriotism and duty, which induced the adoption of the policy in 1820, and its application to Texas in 1845, demanded its application to California and New Mexico in 1848. The peace of the country, the fraternal feelings of all its parts, the safety of the Union, all were involved.

Under these circumstances, as chairman of the Committee on Territories, I introduced into the Senate the following proposition, which was adopted by a vote of 33 to 21 in the Senate, but rejected in the House of Representatives. I read from the Journal, August 10, 1848, page 563:

"On motion by Mr. DOUGLAS to amend the bill, section fourteen, line one, by inserting after the word 'enacted,'

"That the line of 36 deg. 30 min. of north latitude, known as the Missouri compromise line, as defined by the eighth section of an act entitled 'An Act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories, approved March 6, 1820,' be, and the same is hereby, declared to extend to the Pacific ocean; and the said eighth section, together with the compromise therein effected, is hereby revived, and declared to be in full force and binding, for the future organization of the Territories of the United States, in the same sense, and with the same understanding with which it was originally adopted:

"It was determined in the affirmative—yeas 33, nays 21.
"On motion by Mr. BALDWIN, the yeas and nays being desired by one fifth of the Senators present, those who voted in the affirmative are:

"Messrs. Atchison, Badger, Bell, Benton, Berrien, Borland, Bright, Butler, Calhoun, Cameron, Davis of Missis-

Tippi, Dickinson, Douglas, Downs, Fitzgerald, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalf, Pearce, Sebastian, Spruance, Sturgeon, Tarney, Underwood.

"Those who voted in the negative are:

"Messrs. Allen, Atherton, Baldwin, Bradbury, Breese, Clark, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Green, Hale, Harlan, Miller, Niles, Phelps, Upham, Walker, Webster.

"So the proposed amendment was agreed to."

The bill, as amended, was then ordered to be engrossed for a third reading, by a vote of 33 to 22, and was read the third time; and passed on the same day. By the classification of the votes for my proposition to carry out the Missouri compromise, it will be seen that all the southern Senators, twenty-six in number, including Mr. Calhoun, voted in the affirmative; and of the northern Senators, seven voted in the affirmative and twenty-one in the negative. The proposition was rejected in the House of Representatives by almost a sectional vote, the whole South voting for it, and a large majority of the North against it.

It was the rejection of that proposition—the repudiation of the policy of an equitable partition of the territory between the two sections, on the line of 36 deg. 30 min.—which reopened the floodgates of slavery agitation and deluged the whole country with sectional strife and bitterness, until the Union was again brought to the verge of disruption, before the swelling tide of bitter waters could be turned back, and passion and prejudice could be made to give place to reason and patriotism.

Had the Senate's proposition been concurred in by the House of Representatives; had the policy of an equitable partition been adhered to; had the Missouri compromise been carried out in good faith, through our newly acquired territory, to the Pacific ocean, there would have been an end to the slavery agitation forever. For the line of partition between free and slave territory being once firmly established and distinctly defined from the Atlantic to the Pacific, all new acquisitions, whether on the North or the South, would have conformed to that adjustment, without exciting the passions, or wounding the sensibilities, or disturbing the harmony of our people. I do not think it would have made any material difference in respect to the condition of the new States to be formed out of such territory, for I have always believed, and often said, that the existence or non-existence of African slavery depends more upon the necessities of climate, health, and productions, than upon congressional and territorial enactments. It was in reference to this great truth that Mr. Webster said that the condition of all the territory acquired from Mexico, so far as the question of slavery was concerned, was irrevocably fixed and settled by an irrepealable law—the law of climate, and of physical geography, and of the formation of the earth. You might as well attempt by act of Congress to compel cotton to grow upon the tops of the Rocky Mountains and rice upon the summits of the Sierra Nevada, as to compel

slavery to exist, by congressional enactment, where neither climate, nor health, nor productions, will render it necessary and self-sustaining. Yet the desire, on the one hand, for the extension of slavery into regions where it is physically impossible to sustain it, and, on the other hand, to abolish and exclude it from those countries where the white man cannot endure the climate and cultivate the soil, threatens to keep the agitation of this question perpetually in Congress, until the passions of the people shall become so inflamed that civil war and disunion shall become inevitable. It is the territorial question—whether slavery shall exist in those vast regions, in utter disregard of the wishes and necessities of the people inhabiting them—that is convulsing and dissolving the Republic; a question in which we have no direct interest, about which we have very little knowledge, and which the people of those Territories must and will eventually decide for themselves, and to suit themselves, no matter what Congress may do. But for this territorial question there would be very little difficulty in settling the other matters in controversy. The Abolitionists could never endanger the peace of the country or the existence of the Union by the agitation of the slavery question in the District of Columbia by itself, or in the dockyards, forts, and arsenals in the slaveholding States, or upon the fugitive slave law, or upon any minor issue, or upon them all together, if the territorial question could be finally and irrevocably settled.

I repeat, it was the repudiation of the policy of the Missouri compromise, the refusal to apply it to the territory acquired from Mexico, when offered by me, and supported by the whole South, in August, 1848, which reopened the agitation and revived the Missouri controversy. The compromise of 1820 once repudiated, the policy of an equitable partition of the territory abandoned, the proposition to extend it to the Pacific being rejected, and the original controversy reopened with increased bitterness, each party threw itself back on its original extreme position—the one demanding its exclusion everywhere, and the other insisting upon its right to go everywhere in the Territories, regardless of the wishes of the people inhabiting them. All the arguments, pro and con, used in 1819-20 were repealed in 1849-50. The question was the same, and the relative position of the two sections the same.

Such was the condition of things at the opening of the session of 1849-50, when Mr. Clay resumed his seat in this body.

The purest patriots in the land had become alarmed for the fate of the Republic. The immortal Clay, whose life had been devoted to the rights, interests, and glory of his country, had retired to the shades of Ashland to prepare for another and a better world. When, in his retirement, hearing the harsh and discordant notes of sectional strife and disunion, he consented, at the earliest solicitation of his countrymen, to resume his seat in the Senate, the

theatre of his great deeds, to see if, by his experience, his wisdom, the renown of his great name, and his strong hold upon the confidence and affections of the American people, he could not do something to restore peace to a distracted country. From the moment of his arrival among us he became, by common consent, and as a matter of course, the leader of Union men. His first idea was to revive and extend to the Pacific ocean the Missouri compromise line, with the same understanding and legal effect in which it had been adopted in 1820, and continued through Texas in 1845. I was one of his humble followers and trusted friends in endeavoring to carry out that policy, and in connection with others, at his special request, carefully canvassed both houses of Congress to ascertain whether it was possible to obtain a majority vote in each House for the measure. We found no difficulty with the southern Senators and Representatives, and could secure the co-operation of a minority from the North; but not enough to give us a majority in both Houses. Hence the Missouri compromise was abandoned by its friends, *not from choice, but from INABILITY to carry it into effect in good faith.* It was with extreme reluctance that Mr. Clay, and those of us who acted with him and shared his confidence, were brought to the conclusion that we must abandon, from inability to carry out, the line of policy which had saved the Union in 1820, and given peace to the country for many happy years.

Finding ourselves unable to maintain that policy, we yielded to a stern necessity, and turned our attention to the discovery of some other plan by which the existing difficulties could be settled, and future troubles avoided. I need not detail the circumstances under which Mr. Clay brought forward his plan of adjustment, which received the sanction of the two Houses of Congress and the approbation of the American people, and is familiarly known as the compromise measures of 1850. These measures were designed to accomplish the same results as the act of 1820, but in a different mode. The leading feature and chief merit of each was to banish the slavery agitation from the Halls of Congress and the arena of Federal politics. The act of 1820 was intended to attain this end by an equitable partition of the Territories between the contending sections. The acts of 1850 were designed to attain the same end by remitting the whole question of slavery to the decision of the people of the Territories, subject to the limitations of the Constitution, and let the Federal courts determine the validity and constitutionality of the territorial enactments from time to time, as cases should arise and appeals be taken to the Supreme Court of the United States. The one, proposed to settle the question by a geographical line and an equitable partition; and the other by the principles of popular sovereignty in accordance with the Constitution. The object of both being the same, I supported each in turn as a means of attaining a desirable end.

After the compromise measures of 1850 had become the law of the land, those who had opposed their enactment appealed to their constituents to sustain them in their opposition, and implored them not to acquiesce in the principles upon which they were founded, and never to cease to war upon them until they should be annulled and effaced from the statute-book. The contest before the people was fierce and bitter, accompanied sometimes with acts of violence and intimidation; but, fortunately, Mr. Clay lived long enough to feel and know that his last great efforts for the peace of the country and the perpetuity of the Union—the crowning acts of a brilliant and glorious career in the public service—had met the approval and received the almost unanimous indorsement of his grateful countrymen. The repose which the country was permitted to enjoy for a brief period proved to be a temporary truce in the sectional conflict, and not a permanent peace upon the slavery question. The purpose of reopening the agitation for a congressional prohibition of slavery in all the Territories whenever an opportunity or excuse could be had, seems never to have been abandoned by those who originated the scheme for partisan purposes, in 1819, and were baffled in their designs by the adoption of the Missouri compromise in 1820; and who renewed the attempt in 1848, but were again doomed to suffer a mortifying defeat in the adoption of the compromise measures of 1850. The opportunity and pretext for renewing the agitation was discovered by those who had never abandoned the design, when it became necessary, in 1854, to pass the necessary laws for the organization of the Territories of Kansas and Nebraska. The necessity for the organization of these Territories, in order to open and protect the routes of emigration and travel to California and Oregon could not be denied. The measure could not be postponed longer without endangering the peace of the frontier settlements and incurring the hazards of an Indian war, growing out of the constant collisions between the emigrants and the Indian tribes through whose country they were compelled to pass.

Early in December, 1853, Senator Dodge, of Iowa, introduced a bill for the organization of the Territory of Nebraska, which was referred to the Committee on Territories, of which I was chairman. The committee did not volunteer their services on the occasion. The bill was referred to us by the vote of the Senate, and our action was in discharge of a plain duty imposed upon us by an express command of the body.

The first question which addressed itself to the calm and deliberate consideration of the committee was: upon what basis shall the organization of the territory be formed? Whether upon the theory of a geographical line and an equitable partition of the territory in accordance with the compromise of 1820, which had been abandoned by its supporters not from choice, but from our inability to carry it out;

or upon the principle of non-intervention and popular sovereignty, according to the compromise measures of 1850, which had taken the place of the Missouri compromise?

The committee, upon mature deliberation, and with great unanimity, decided that all future territorial organizations should be formed upon the principles and model of the compromise measures of 1850, inasmuch as in the recent presidential election (1852) both of the great political parties of the country, (Whig and Democratic,) of which the Senate was composed, stood pledged to those measures as a substitute for the act of 1820; and the committee instructed me, as their organ, to prepare a report and draft a substitute for Mr. Dodge's bill in accordance with these views. I will now read from the record, at the hazard of being somewhat tedious, in order that the Senate and the country may judge with what fidelity I performed this duty:

"January 4th, 1854. Mr. DOUGLAS made the following report: 'The Committee on Territories, to which was referred a bill for an act to establish the Territory of Nebraska, have given the same that serious and deliberate consideration which its great importance demands, and beg leave to report it back to the Senate, with various amendments, in the form of a substitute for the bill.

"The principal amendments which your committee deem it their duty to commend to the favorable action of the Senate, in a special report, are those in which the principles established by the compromise measures of 1850, so far as they are applicable to territorial organizations, are proposed to be affirmed and carried into practical operation within the limits of the new Territory.

"The wisdom of those measures is attested, not less by their salutary and beneficial effects in allaying sectional agitation and restoring peace and harmony to an irritated and distracted people, than by the cordial and almost universal approbation with which they have been received and sanctioned by the whole country. In the judgment of your committee, *those measures were intended to have a far more comprehensive and enduring effect than a mere adjustment of the difficulties arising out of the recent acquisition of Mexican territory.* They were designed to ESTABLISH CERTAIN GREAT PRINCIPLES, WHICH WOULD NOT ONLY FURNISH ADEQUATE REMEDIES FOR EXISTING EVILS, BUT IN ALL TIME TO COME AVOID THE PERILS OF A SIMILAR AGITATION, BY WITHDRAWING THE QUESTION OF SLAVERY FROM THE HALLS OF CONGRESS AND THE POLITICAL ARENA, AND COMMITTING IT TO THE ARBITRAMENT OF THOSE WHO WERE IMMEDIATELY INTERESTED IN, AND ALONE RESPONSIBLE FOR ITS CONSEQUENCES. With the view of conforming their action to what they regard the settled policy of the Government, sanctioned by the approving voice of the American people, your committee have deemed it their duty to incorporate and perpetuate in their territorial bills the principles and spirit of those measures."

After reviewing the provisions of the legislation of 1850, the committee conclude as follows:

"From these provisions it is apparent that the compromise measures of 1850 affirm and rest upon the following propositions:

"First, That all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, by their appropriate representatives, to be chosen by them for that purpose.

"Second, That, 'all cases involving title to slaves,' and 'questions of personal freedom,' are referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States.

"Third, That the provision of the Constitution of the United States, in respect to fugitives from service, is to be carried into faithful execution in all the organized Territories; the same as in the States.

The substitute for the bill which your committee have prepared, and which is commended to the favorable action of the Senate, *proposes to carry those propositions and principles into practical operation, in the PRECISE LANGUAGE OF THE COMPROMISE MEASURES OF 1850.*"

No sooner was this report and bill printed and laid upon the tables of Senators, than an address was prepared and issued over the signatures of those party leaders who had always denounced "the Missouri compromise as a crime against freedom, and a compact with infamy," in which the bill was "arraigned as a gross violation of a sacred pledge;" "as a criminal betrayal of precious rights;" and the report denounced as "a mere invention, designed to cover up from public reprehension meditated bad faith."

The Missouri compromise was "infamous," in their estimation, so long as it remained upon the statute-book and was carried out in good faith, as a means of preserving the peace of the country and preventing the slavery agitation in Congress. But it suddenly became "a sacred pledge," a "solemn compact for the preservation of precious rights," the moment they succeeded in preventing its faithful execution and in causing it to be abandoned when it ceased to be an impregnable barrier against slavery agitation and sectional strife. The bill against which the hue and cry was raised, and the crusade preached, did not contain a word about the Missouri compromise, nor in any manner refer to it. It simply allowed the people of the Territory to legislate for themselves on all rightful subjects of legislation, and left them free to form and regulate their domestic institutions in their own way, subject only to the Constitution. So far as the Missouri act, or any other statute, might be supposed to conflict with this right of self-government in the Territories, it was, by inference, rendered null and void to that extent, and for no other purpose. Several weeks afterwards, when a doubt was suggested whether, under the bill as it stood, the people of the Territory would be authorized to exercise this right of self-government upon the slavery question, *during the existence of the territorial government*, an amendment was adopted, on my motion, for the sole and avowed purpose of removing that doubt and securing that right, in accordance with the compromise measures of 1850, as stated by me and reported in the debates at the time. The amendment will be found in the fourteenth section of the act, and is as follows:

"That the Constitution and all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, *which, being inconsistent with the principle of nonintervention by Congress with slavery in the States and Territories as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.*"

In my opinion this amendment did not change the legal effect of the bill as reported by the committee. Its object was to render its meaning certain, by removing all doubts in regard to the right of the people to exercise the privileges of self-government on the slavery question, as well as all others consistent with the Constitution, during their territorial condition, as well as when they should become a State. From that day to this, there has been a fierce and desperate struggle between the supporters and opponents of the territorial policy inaugurated under the auspices of Mr. Clay, in 1850, and affirmed in the Kansas-Nebraska act in 1854—the one to maintain and the other to overthrow the principle of non-intervention and popular sovereignty, as the settled policy of the government in reference to the organization of Territories, and the admission of new States. This sketch of the origin and progress of the slavery agitation as an element of political power and partisan warfare, covers the entire period from the organization of the Federal Government under the Constitution, in 1789, to the present, and is naturally divided into three parts:

First. From 1789, when the Constitution went into operation, to 1819–20, when the Missouri controversy arose, the Territories were all organized upon the basis of non-intervention by Congress with the domestic affairs of the people, and especially upon the question of African slavery. During the whole of this period, domestic tranquility and fraternal feeling prevailed.

Second. From 1820, when the Missouri compromise was adopted, to 1848 and 1850, when it was repudiated and finally abandoned, all the Territories were organized with reference to the policy of an equitable partition between the two sections upon the line of 36 deg. 30 min. During this period there was no serious difficulty upon the territorial question, so long as the Missouri compromise was adhered to, and carried out in good faith.

Third. From 1850, when the original doctrine of non-intervention, as it prevailed during the first thirty years, was reestablished as the policy of the Government in the organization of Territories, and the admission of new States, to the present time, there has been a constant struggle, except for a short interval, to overthrow and repudiate the policy and principles of the compromise measures of 1850, for the purpose of returning to the old doctrine of congressional intervention for the prohibition of slavery in all the Territories, south as well as north of the Missouri line, regardless of the wishes and condition of the people inhabiting the country.

In view of these facts, I feel authorized to reaffirm the proposition with which I commenced my remarks, that whenever the Federal Government has attempted to control the slavery question in our newly-acquired Territories, alienation of feeling, discord, and sectional strife, have ensued; and whenever Congress

has refrained from such interference, peace, harmony, and good will have returned. The conclusion I draw from these premises is, that the slavery question should be banished forever from the Halls of Congress and the arena of Federal politics by an irrepealable constitutional provision. I have deemed this exposition of the origin and progress of the slavery agitation essential to a full comprehension of the difficulties with which we are surrounded, and the remedies for the evils which threaten the disruption of the Republic. The immediate causes which have precipitated the southern country into revolution, although inseparably connected with, and flowing from, the slavery agitation, whose history I have portrayed, are to be found in the result of the recent presidential election. I hold that the election of any man, no matter who, by the American people, according to the Constitution, furnishes no cause, no justification, for the dissolution of the Union. But we cannot close our eyes to the fact that the southern people have received the result of that election as furnishing conclusive evidence that the dominant party of the North, which is so soon to take possession of the Federal Government under that election, are determined to invade and destroy their constitutional rights. Believing that their domestic institutions, their hearth-stones, and their family altars, are all to be assailed, at least by indirect means, and that the Federal Government is to be used for the inauguration of a line of policy which shall have for its object the ultimate extinction of slavery in all the States, old as well as new, south as well as north, the southern people are prepared to rush wildly, madly, as I think, into revolution, disunion, war, and defy the consequences, whatever they may be, rather than to wait for the development of events, or submit tamely to what they think is a fatal blow impending over them and all they hold dear on earth. It matters not, so far as we and the peace of the country and the fate of the Union are concerned, whether these apprehensions of the southern people are real or imaginary, whether they are well founded or wholly without foundation, so long as they believe them and are determined to act upon them. The Senator from Ohio, [MR. WADE,] whose speech was received with so much favor by his political friends the other day, referred to these serious apprehensions, and acknowledged his belief that the southern people were laboring under the conviction that they were well founded. He was kind enough to add that he did not blame the southern people much for what they were doing under this fatal misapprehension; but cast the whole blame upon the northern Democracy; and referred especially to his colleague and myself, for having misrepresented and falsified the purposes and policy of the Republican party, and for having made the southern people believe our misrepresentations! He does not blame the southern people for acting on their honest convictions in resorting to revolution to avert an impending but

imaginary calamity. No; he does not blame them, because they believe in the existence of the danger; yet he will do no act to deceive them; will take no step to relieve their painful apprehensions; and will furnish no guarantees, no security against the dangers which they believe to exist, and the existence of which he denies; but, on the contrary, he demands unconditional submission, threatens war, and talks about armies, navies, and military force, for the purpose of preserving the Union and enforcing the laws! I submit whether this mode of treating the question is not calculated to confirm the worst apprehensions of the southern people, and force them into the most extreme measures of resistance!

I regret that the Senator from Ohio, or any other Senator, should have deemed it consistent with his duty, under present circumstances, to introduce partisan politics, and attempt to manufacture partisan capital out of a question involving the peace and safety of the country. I repeat what I have said on another occasion, that, if I know myself, my action will be influenced by no partisan considerations, until we shall have rescued the country from the perils which environ it. But since the Senator has attempted to throw the whole responsibility of the present difficulties upon the northern Democracy, and has charged us with misrepresenting and falsifying the purposes and policy of the Republican party, and thereby deceiving the southern people, I feel called upon to repel the charge, and show that it is without a shadow of foundation. No man living would rejoice more than myself in the conviction, if I could only be convinced of the fact, that I have misunderstood, and consequently misrepresented, the policy and designs of the Republican party. Produce the evidence and convince me of my error, and I will take more pleasure in making the correction and repairing the injustice, than I ever have taken in denouncing what I believed to be an unjust and ruinous policy.

With the view of ascertaining whether I have misapprehended or misrepresented the policy and purposes of the Republican party, I will now inquire of the Senator, and yield the floor for an answer: whether it is not the policy of his party to confine slavery within its present limits by the action of the Federal Government? Whether they do not intend to abolish and prohibit slavery by act of Congress, notwithstanding the decision of the Supreme Court to the contrary, in all the Territories we now possess, or may hereafter acquire? Whether he and his party are in favor of returning to their master the fugitive slaves that may escape? In short, I will give the Senator an opportunity now to say—

Mr. WADE. Mr. President—

Mr. DOUGLAS. One other question, and I will give way.

Mr. WADE. Very well.

Mr. DOUGLAS. I will give the Senator an opportunity of saying now whether it is not the policy of his party to exert all the powers of

the Federal Government under the Constitution, according to their interpretation of the instrument, to restrain or cripple the institution of slavery, with a view to its ultimate extinction in all the States, old as well as new, south as well as north.

Are not these the views and purposes of the party, as proclaimed by their leaders, and understood by the people, in speeches, addresses, sermons, newspapers, and public meetings? Now, I will hear his answer.

Mr. WADE. Mr. President, all these questions are most pertinently answered in the speech the Senator is professing to answer. I have nothing to add to it. If he will read my speech, he will find my sentiments upon all those questions.

Mr. DOUGLAS. Mr. President, I did not expect an unequivocal answer. I knew too well that the Senator will not deny that each of these interrogatories do express his individual policy and the policy of the Republican party as he understands it. I should not have propounded the interrogatories to him if he had not accused me and the northern Democracy of having misrepresented the policy of the Republican party, and with having deceived the southern people by such misrepresentations. The most obnoxious sentiments I ever attributed to the Republican party, and that not in the south but in northern Illinois and in the strongholds of Abolitionism, was that they intended to exercise the powers of the Federal Government with a view to the ultimate extinction of slavery in the southern States. I have expressed my belief, and would be glad to be corrected if I am in error, that it is the policy of that party to exclude slavery from all the Territories we now possess or may acquire, with a view of surrounding the slave States with a cordon of abolition States, and thus confine the institution within such narrow limits that, when the number increases beyond the capacity of the soil to raise food for their subsistence, the institution must end in starvation, colonization or servile insurrection. I have often exposed the enormities of this policy, and appealed to the people of Illinois to know whether this mode of getting rid of the evils of slavery could be justified in the name of civilization, humanity, and Christianity? I have often used these arguments in the strongest abolition portions of the North, but never in the South. The truth is, I have always been very mild and gentle upon the Republicans when addressing a southern audience; for it seemed ungenerous to say behind their backs, and where they dare not go to reply to me, those things which I was in the habit of saying to their faces, and in the presence of their leaders, where they were in the majority.

But inasmuch as I do not get a direct answer from the Senator who makes this charge against the northern Democracy, as to the purposes of that party to use the power of the Federal Government under their construction of the Constitution, with a view to the ultimate extinction of

slavery in the States, I will turn to the record of their President elect. and see what he says on that subject. The Republicans have gone to the trouble to collect and publish in pamphlet form, under the sanction of Mr. Lincoln, the debates which took place between him any myself in the senatorial canvass of 1858. It may not be improper here to remark that this publication is unfair towards me, for the reason that Mr. Lincoln personally revised and corrected his own speeches, without giving me an opportunity to correct the numerous errors in mine. Inasmuch as the publication is made under the sanction of Mr. Lincoln himself, accompanied by a letter from him that he had revised the speeches by verbal corrections, and thereby approved them, it becomes important to show what his views are, since he is in the daily habit of referring to those speeches for his present opinions.

Mr. Lincoln was nominated for United States Senator by a Republican State convention at Springfield in June, 1858. Anticipating the nomination, he had carefully prepared a written speech, which he delivered on the occasion, and which, by order of the convention, was published among the proceedings as containing the platform of principles upon which the canvass was to be conducted. More importance is due to this speech than to those delivered under the excitement of debate in joint discussions by the exigencies of the contest. The first few paragraphs which I will now read, may be taken as a fair statement of his opinion and feelings upon the slavery question. Mr. Lincoln said :

Mr. President and Gentlemen of the Convention, if we could first know where we are and whither we are tending, we could better judge what to do and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to the slavery agitation. Under the operation of that policy, that agitation has not only not ceased but has constantly augmented. In my opinion it will not cease until a crisis shall have been reached and passed. A house divided against itself cannot stand! I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward, till it shall alike become lawful in all the States, old as well as new, North as well as South."

There you are told by the President elect that this Union cannot permanently endure divided into free and slave States; that these States must all become free or slave, all become one thing or all become the other; that this agitation will never cease until the opponents of slavery have restrained its expansion, and have placed it where the public mind will be satisfied that it will be in the course of ultimate extinction. Mark the language :

"Either the opponents of slavery will arrest the further spread of it?"

We are now told that the object of the Republican party is to prevent the extension of slavery. What did Mr. Lincoln say? That the

opponents of slavery must first prevent the further spread of it. But that is not all. What else must they do?

"And place it where the public mind can rest in the belief that it is in the course of ultimate extinction."

The ultimate extinction of slavery, of which Mr. Lincoln was then speaking, related to the States of this Union. He had reference to the southern States of this Confederacy; for, in the next sentence, he says that the States must all become one thing or all the other—"old as well as new, north as well as south"—showing that he meant that the policy of the Republican party was to keep up this agitation in the Federal Government until slavery in the States was placed in the process of ultimate extinction. Now, sir, when the Republican Committee have published an edition of Mr. Lincoln's speeches containing sentiments like these, and circulated it as a campaign document, is it surprising that the people of the South should suppose that he was in earnest and intended to carry out the policy which he had announced?

I regret the necessity which has made it my duty to reproduce these dangerous and revolutionary opinions of the President elect. No consideration could have induced me to have done so but the attempt of his friends to denounce the policy which Mr. Lincoln has boldly advocated, as gross calumnies upon the Republican party, and as base inventions by the northern Democracy to excite rebellion in the southern country. I should like to find one Senator on that side of the Chamber, in the confidence of the President elect, who will have the hardihood to deny that Mr. Lincoln stands pledged by his public speeches, to which he now refers constantly as containing his present opinions, to carry out the policy indicated in the speech from which I have read. I take great pleasure in saying, however, that I do not believe the rights of the South will materially suffer under the administration of Mr. Lincoln. I repeat what I have said on another occasion, that neither he nor his party will have the power to do any act prejudicial to Southern rights and interests, if the Union shall be preserved, and the southern States shall retain a full delegation in both Houses of Congress. With a majority against them in this body and in the House of Representatives, they can do no act, except to enforce the laws, without the consent of those to whom the South has confided her interests, and even his appointments for that purpose are subject to our advice and confirmation. Besides, I still indulge the hope that when Mr. Lincoln shall assume the high responsibilities, which will soon devolve upon him, he will be fully impressed with the necessity of sinking the politician in the statesman, the partisan in the patriot, and regard the obligations which he owes to his country as paramount to those of his party. In view of these considerations I had indulged the fond hope that the people of the southern States would have been content to remain in the Union and defend their rights

under the Constitution, instead of rushing madly into revolution and disunion, as a refuge from apprehended dangers which may not exist.

But this apprehension has become wide-spread and deep-seated in the southern people. It has taken possession of the southern mind, sunk deep in the southern heart, and filled them with the conviction that their firesides, their family altars, and their domestic institutions, are to be ruthlessly assailed through the machinery of the Federal Government. The Senator from Ohio says he does not blame you, southern Senators, nor the southern people, for believing those things; and yet, instead of doing those acts which will relieve your apprehensions, and render it impossible that your rights should be invaded by Federal power under any administration, he threatens you with war, armies, military force, under pretext of enforcing the laws and preserving the Union. We are told that the authority of the Government must be vindicated; that the Union must be preserved; that rebellion must be put down; that insurrections must be suppressed, and the laws must be enforced. I agree to all this. I am in favor of doing all these things according to the Constitution and laws. No man will go farther than I to maintain the just authority of the Government, to preserve the Union, to put down rebellion, to suppress insurrection, and to enforce the laws. I would use all the powers conferred by the Constitution for this purpose. But, in the performance of these important and delicate duties, it must be borne in mind that those powers only must be used, and such measures employed, as are authorized by the Constitution and laws. Things should be called by the right names; and facts, whose existence can no longer be denied, should be acknowledged.

Insurrections and rebellions, although unlawful and criminal, frequently become successful revolutions. The strongest Governments and proudest monarchs on earth have often been reduced to the humiliating necessity of recognizing the existence of Governments *de facto*, although not *de jure*, in their revolted States and provinces, when rebellion has ripened into successful revolution, and the national authorities have been expelled from their limits. In such cases the right to regain possession and exact obedience to the laws remains; but the exercise of that right is war, and must be governed by the laws of war. Such was the relative condition of Great Britain and the American colonies for seven years after the Declaration of Independence. The rebellion had progressed and matured into revolution, with a Government *de facto*, and an army and navy to defend it. Great Britain regarding the complaints of the colonies unfounded, refused to yield to their demands, and proceeded to reduce them to obedience; not by the enforcement of the laws, but by military force, armies and navies, according to the rules and laws of war. Captives taken in battle with arms in their hands, fighting against Great Britain, were not executed as traitors, but held as prisoners of war, and ex-

changed according to the usages of civilized nations. The laws of nations, the principles of humanity, of civilization, and Christianity, demanded that the Government *de facto* should be acknowledged and treated as such. While the right to prosecute war for the purpose of reducing the revolted provinces to obedience still remained, yet it was a military remedy, and could only be exercised according to the established principles of war.

It is said that, after one of the earliest engagements, the British general threatened to execute as traitors all the prisoners he had taken in battle; and that General Washington replied that he, too, had taken some prisoners, and would shoot two for one until the British general should respect the laws of war, and treat his prisoners accordingly. May Divine Providence, in his infinite wisdom and mercy, save our country from the humiliation and calamities which now seem almost inevitable! South Carolina has already declared her independence of the United States; has expelled the Federal authorities from her limits, and established a Government *de facto*, with a military force to sustain it. The revolution is complete, there being no man within her limits who denies the authority of her government or acknowledges allegiance to that of the United States. There is every reason to believe that seven other States will soon follow her example; and much ground to apprehend that the other slaveholding States will follow them.

How are we going to prevent an alliance between these seceding States by which they may establish a Federal Government, at least *de facto*, for themselves? If they shall do so, and expel the authorities of the United States from their limits, as South Carolina has done, and others are about to do, so that there shall be no human being within their boundaries who acknowledges allegiance to the United States, how are we going to enforce the laws? Armies and navies can make war, but cannot enforce laws in this country. The laws can be enforced only by the civil authorities, assisted by the military as a *posse comitatus*, when resisted in executing judicial process. Who is to issue the judicial process in a State where there is no judge no court, no judicial functionary? Who is to perform the duties of marshal in executing the process where no man will or dare accept office? Who are to serve on juries while every citizen is *particeps criminis* with the accused? How are you going to comply with the Constitution in respect to a jury trial, where there are no men qualified to serve on the jury? I agree that the laws should be enforced. I hold that our Government is clothed with the power and duty of using all the means necessary to the enforcement of the laws, according to the Constitution and laws. The President is sworn to the faithful performance of this duty. I do not propose to inquire, at this time, how far, and with what fidelity, the President has performed that duty. His conduct and duty in this regard, including acts of commission and omission, while the re-

bellion was in its incipient stages, and when confined to a few individuals, present a very different question from that which we are now discussing—after the revolution has become complete, and the Federal authorities have been expelled, and the Government *de facto* put into practical operation, and in the unrestrained and unresisted exercise of all the powers and functions of Government, local and national.

But we are told that secession is wrong, and that South Carolina had no right to secede. I agree that it is wrong, unlawful, unconstitutional, criminal. In my opinion, South Carolina had no right to secede; *but she has done it*. She has declared her independence of us, effaced the last vestige of our civil authority, established a foreign Government, and is now engaged in the preliminary steps to open diplomatic intercourse with the great Powers of the world. What next? If her acts were illegal, unconstitutional, and wrong, have we no remedy? Unquestionably we have the right to use all the power and force necessary to regain possession of that portion of the United States, in order that we may again enforce our Constitution and laws upon the inhabitants. We can enforce our laws in those States, Territories, and places only which are within our possession. It often happens that the territorial rights of a country extend beyond the limits of their actual possessions. That is our case at present in respect to South Carolina. Our right of jurisdiction over that State for Federal purposes, according to the Constitution, has not been destroyed or impaired by the ordinance of secession, or any act of the convention, or of the *de facto* government. The right remains, but the possession is lost, for the time being. "How shall we regain the possession?" is the pertinent inquiry. It may be done by arms, or by a peaceable adjustment of the matters in controversy.

Are we prepared for war? I do not mean that kind of preparation which consists of armies and navies, and supplies, and munitions of war; but are we prepared in our hearts for war with our own brethren and kindred? I confess I am not. While I affirm that the Constitution is, and was intended to be, a bond of perpetual Union; while I can do no act and utter no word that will acknowledge or countenance the right of secession; while I affirm the right and duty of the Federal Government to use all legitimate means to enforce the laws, put down rebellion, and suppress insurrection, I will not meditate war, nor tolerate the idea, until every effort at peaceable adjustment shall have been exhausted, and the last ray of hope shall have deserted the patriot's heart. Then, and not till then, will I consider and determine what course my duty to my country may require me to pursue in such an emergency. In my opinion, war is disunion, certain, inevitable, irrevocable. I am for peace to save the Union.

I have said that I cannot recognize nor countenance the right of secession. Illinois, situated in the interior of the continent, can never ac-

knowledge the right of the States bordering on the seas to withdraw from the Union at pleasure and form alliances among themselves and with other countries, by which we shall be excluded from all access to the ocean, from all intercourse and commerce with foreign nations. We can never consent to be shut up within the circle of a Chinese wall, erected and controlled by others without our permission; or to any other system of isolation by which we shall be deprived of any communication with the rest of the civilized world. Those States which are situated in the interior of the continent can never assent to any such doctrine. Our rights, our interests, our safety, our existence as a free people, forbid it! The northwestern States were ceded to the United States before the Constitution was made, on condition of perpetual union with the other States. The Territories were organized, settlers invited, lands purchased, and homes made, on the pledge of your plighted faith of perpetual union.

When there were but two hundred thousand inhabitants scattered over that vast region, the navigation of the Mississippi was deemed by Mr. Jefferson so important and essential to their interests and prosperity, that he did not hesitate to declare that if Spain or France insisted upon retaining possession of the mouth of that river, it would become the duty of the United States to take it by arms, if they failed to acquire it by treaty. If the possession of that river, with jurisdiction over its mouth and channel, was indispensable to the people of the Northwest when we had two hundred thousand inhabitants, is it reasonable to suppose that we will voluntarily surrender it now when we have ten million people? Louisiana was not purchased for the exclusive benefit of the few Spanish and French residents in the territory, nor for those who might become residents. These considerations did not enter into the negotiations, and formed no inducement to the acquisition. Louisiana was purchased with the national treasure, for the common benefit of the whole Union in general, and for the safety, convenience, and prosperity of the Northwest in particular. We paid \$15,000,000 for the territory. We have expended much more than that sum in the extinguishment of Indian titles, the removal of Indians, the survey of lands, the erection of custom-houses, light-houses, forts, and arsenals. We admitted the inhabitants into the Union on an equal footing with ourselves. Now we are called upon to acknowledge the moral and constitutional right of those people to dissolve the Union without the consent of the other States; to seize the forts, arsenals, and other public property, and appropriate them to their own use; to take possession of the Mississippi river and exercise jurisdiction over the same, and to reannex herself to France, or remain an independent nation, or to form alliances with such other foreign Powers as she, in the plenitude of her sovereign will and pleasure, may see fit. If this thing is to be done—peaceably, if you can; forcibly, if you must—all I propose to

say at this time is, that you cannot expect us of the Northwest to yield our assent to it, nor to acknowledge your right to do it, or the propriety and justness of the act.

The respectful attention with which my friend from Florida [Mr. YULEE] is listening to me, reminds me that his State furnishes an apt illustration of this modern doctrine of secession. We paid five million for the Territory. We expended marvelous sums in subduing the Indians, extinguishing Indian titles, removal of Indians beyond her borders, surveying the lands building light-houses, navy-yards, forts and arsenals, with untold millions for the never ending Florida claims. I assure my friend that I do not refer to these things in an offensive sense, for he knows how much respect I have for him, and has not forgotten my efforts in the House many years ago, to secure the admission of his State into the Union, in order that he might represent her, as he has since done with so much ability and fidelity, in this body. But I will say that it never occurred to me at that time that the State whose admission into the Union I was advocating would be one of the first to join in a scheme to break up the Union. I submit it to him whether it is not an extraordinary spectacle to see that State, which has cost us so much blood and treasure, turn her back on the Union which has fostered and protected her when she was too feeble to protect herself, and seize the light-houses, navy-yards, forts and arsenals, which, although within her boundaries, were erected with national funds, for the benefit and defense of the whole Union.

I do not know that I can find a more striking illustration of this doctrine of secession than was suggested to my mind when reading the President's last annual message. My attention was first arrested by the remarkable passage, that the Federal Government had no power to *coerce* a State back into the Union if she did secede; and my admiration was unbounded when I found, a few lines afterwards, a recommendation to appropriate money to purchase the island of Cuba. It occurred to me instantly, what a brilliant achievement it would be to pay Spain \$300,000,000 for Cuba, and immediately admit the island into the Union as a State, and let her secede and reannex herself to Spain the next day, when the Spanish Queen would be ready to sell the island again for half price, or double price, according to the gullibility of the purchaser! [Laughter.]

During my service in Congress it was one of my pleasant duties to take an active part in the annexation of Texas; and at a subsequent session to write and introduce the bill which made Texas one of the states of the Union. Out of that annexation grew the war with Mexico, in which we expended \$100,000,000; and were left to mourn the loss of about ten thousand as gallant men as ever died upon a battle-field for the honor and glory of their country! We have since spent millions of money to protect Texas against her own Indians, to establish forts and fortifications to protect her frontier settlements,

and to defend her against the assaults of all enemies until she became strong enough to protect herself. We are now called upon to acknowledge that Texas has a moral, just, and constitutional right to rescind the act of admission into the Union; repudiate her ratification of the resolutions of annexation; seize the forts and public buildings which were constructed with our money; appropriate the same to her own use, and leave us to pay \$100,000,000 and mourn the death of the brave men who sacrificed their lives in defending the integrity of her soil. In the name of Hardin, and Bissell, and Harris, and of the seven thousand gallant spirits from Illinois, who fought bravely upon every battle-field of Mexico, I protest against the right of Texas to separate herself from this Union without our consent.

Mr. HEMPHILL. Mr. President, if the Senator from Illinois will allow me, I will inquire whether there were no other causes assigned by the United States for the war with Mexico than simply the defense of Texas?

Mr. DOUGLAS. I will answer the question. We undoubtedly did assign other acts as being causes for war, which had existed for years, if we had chosen to treat them so; but we did not go to war for any other cause than the annexation of Texas, as is shown in the act of Congress recognizing the existence of war with Mexico, in which it is declared that "war exists by the act of the Republic of Mexico." The sole cause of grievance which Mexico had against us, and for which she commenced the war, was our annexation of Texas. Hence, none can deny that the Mexican war was solely and exclusively the result of the annexation of Texas.

Mr. HEMPHILL. I will inquire further, whether the United States paid anything to Texas for the annexation of her three hundred and seventy thousand square miles of territory, and whether the United States has not got \$500,000,000 by the acquisition of California through that war with Mexico.

Mr. DOUGLAS. Sir, we did not pay anything for bringing Texas into the Union; for we did not get any of her lands, except that we purchased from her some poor lands afterwards, which she did not own, and paid her \$10,000,000 for them. [Laughter.] But we did spend blood and treasure in the acquisition and subsequent defence of Texas.

Now, sir, I will answer his question in respect to California. The treaty of peace brought California and New Mexico into the Union. Our people moved there, took possession of the lands, settled up the country, and erected a State of which the United States have a right to be proud. We have expended millions upon millions for fortifications in California, and for navy-yards, and mints, and public buildings, and land surveys, and feeding the Indians, and protecting her people. I believe the public land sales do not amount to more than one-tenth of the cost of the surveys, according to the returns that have been made. It is true that the people of

California have dug a large amount of gold (principally out of the lands belonging to the United States) and sold it to us; but I am not aware that we are under any more obligations to them for selling it to us, than they are to us for buying it of them. The people of Texas, during the same time, have probably made cotton and agricultural productions to a much larger value, and sold some of it to New England, and some to Old England. I suppose the benefits of the bargain were reciprocal, and the one was under just as much obligation as the other for the mutual benefits of the sale and purchase.

The question remains, whether, after paying \$15,000,000 for California—as the Senator from Texas has called my attention to that State—and perhaps as much more in protecting and defending her, she has any moral, constitutional right to annul the compact between her and the Union, and form alliances with foreign Powers, and leave us to pay the cost and expenses? I cannot recognize any such doctrine. In my opinion, the Constitution was intended to be a bond of perpetual Union. It begins with the declaration in the preamble, that it is made in order “to form a more perfect Union,” and every section and paragraph in the instrument implies perpetuity. It was intended to last for ever, and was so understood when ratified by the people of the several States. New York and Virginia have been referred to as having ratified with the reserved right to withdraw or secede at pleasure. This is a mistake. The correspondence between General Hamilton and Mr. Madison, at the time, is conclusive on this point. After Virginia had ratified the Constitution, General Hamilton, who was a member of the New York convention, wrote to Mr. Madison that New York would probably ratify the Constitution for a term of years, and reserve the right to withdraw after that time, if certain amendments were not sooner adopted; to which Mr. Madison replied that such a ratification would not make New York a member of the Union, that the ratification must be unconditional, *in toto and forever*, or not at all; that the same question was considered at Richmond, and abandoned when Virginia ratified the Constitution. Hence, the declaration of Virginia and New York, that they had not surrendered the right to resume the delegated powers, must be understood as referring to the right of revolution, which nobody acknowledges more freely than I do, and not to the right of secession.

The Constitution being made as a bond of perpetual Union, its framers proceeded to provide against the necessities of revolution, by prescribing the mode in which it might be amended; so that if in the course of time, the condition of the country should so change as to require a different fundamental law, amendments might be made peaceably, in the manner prescribed in the instrument; and thus avoid the necessity of ever resorting to revolution. Having provided for a perpetual Union, and for amendments to the Constitution, they next inserted a clause for

admitting new States, but no provision for the withdrawal of any of the other States. I will not argue the question of the right of secession any further than to enter my protest against the whole doctrine. I deny that there is any foundation for it in the Constitution, in the nature of the compact, in the principles of the Government or in justice, or in good faith.

Nor do I sympathize at all in the apprehensions and misgivings I hear expressed about coercion. We are told that inasmuch as our Government is founded upon the will of the people, or the consent of the governed, therefore coercion is incompatible with republicanism.—Sir, the word government means coercion.—There can be no Government without coercion. Coercion is the vital principal upon which all Governments rest. Withdraw the right of coercion, and you dissolve your Government. If every man would perform his duty and respect the rights of his neighbors voluntarily, there would be no necessity for any Government on earth. The necessity of government is found to consist in the fact that some men will not do right unless coerced to do so. The object of all government is to coerce and compel every man to do his duty, who would not otherwise perform it. Hence I do not subscribe at all to this doctrine that coercion is not to be used in a free Government. It must be used in all Governments, no matter what their form or what their principles.

But coercion must always be used in the mode prescribed in the Constitution and laws. I hold that the Federal Government is, and ought to be, clothed with the power and duty to use all the means necessary to coerce obedience to all laws made in pursuance of the Constitution. But the proposition to subvert the *de facto* government of South Carolina, and to reduce the people of that State into subjection to our Federal authority, no longer involves the question of enforcing the laws in a country within our possession; but it does involve the question whether we will make war on a State, which has withdrawn her allegiance and expelled our authorities, with a view of subjecting her to our possession for the purpose of enforcing our laws within her limits.

We are bound, by the usages of nations, by the laws of civilization, by the uniform practice of our own Government, to acknowledge the existence of a Government *de facto*, so long as it maintains its undivided authority. When Louis Philippe fled from the throne of France, and Lamartine suddenly one morning found himself the head of a provisional Government, I believe it was but three days until the American minister recognized the Government *de facto*.

Texas was a Government *de facto*, not recognized by Mexico, when we annexed her; and Mexico was a Government *de facto*, not recognized by Spain, when Texas revolted. The laws of nations recognize Governments *de facto* where they exercise and maintain undivided sway, leaving the question of their authority *de jure*

to be determined by the people interested in the Government. Now, as a man who loves the Union, and desires to see it maintained forever, and to see the laws enforced, and rebellion put down, and insurrection suppressed, and order maintained, I desire to know of my Union-loving friends on the other side of the Chamber how they intend to enforce the laws in the seceding States, except by making war, conquering them first, and administering the laws in them afterwards.

In my opinion, we have reached a point where disunion is inevitable, unless some compromise, founded upon mutual concession, can be made. I prefer compromise to war. I prefer concession to a dissolution of the Union. When I avow myself in favor of compromise, I do not mean that one side should give up all that it has claimed, nor that the other side should give up everything for which it has contended. Nor do I ask any man to come to my standard; but I simply say that I will meet every one half way who is willing to preserve the peace of the country, and save the Union from disruption upon principles of compromise and concession.

In my judgment, no system of compromise can be effectual and permanent which does not banish the slavery question from the Halls of Congress and the arena of Federal politics, by irrepealable constitutional provision. We have tried compromises by law, compromises by act of Congress; and now we are engaged in the small business of crimination and recrimination, as to who is responsible for not having lived up to them in good faith, and for having broken faith. I want whatever compromise is agreed to, placed beyond the reach of party politics and partisan policy, by being made irrevocable in the Constitution itself, so that every man that holds office will be bound by his oath to support it.

There are several modes in which this irritating question may be withdrawn from Congress, peace restored, the rights of the States maintained, and the Union rendered secure. One of them—one to which I can cordially assent—has been presented by the venerable Senator from Kentucky, [Mr. CRITTENDEN.] The journal of the committee of thirteen shows that I have voted for it in committee. I am prepared to vote for it again. I shall not occupy time now in discussing the question whether my vote to make a partition between the two sections, instead of referring the question to the people, will be consistent with my previous record or not. The country has no great interest in my consistency. The preservation of this Union, the integrity of this Republic, is of more importance than party platforms or individual records. Hence I have no hesitation in saying to Senators on all sides of this Chamber, that I am prepared to act on this question with reference to the present exigencies of the case, as if I had never given a vote, or uttered a word, or had an opinion upon the subject.

Why cannot you Republicans accede to the reëstablishment and extension of the Missouri

compromise line? You have sung peans enough in its praise, and uttered imprecations and curses enough on my head for its repeal, one would think, to justify you now in claiming a triumph by its reëstablishment. If you are willing to give up your party feelings—to sink the partisan in the patriot—and help me to re-establish and extend that line, as a perpetual bond of peace between the North and the South, I will promise you never to remind you in the future of your denunciations of the Missouri compromise so long as I was supporting it, and of your praises of the same measure when we removed it from the statute-book, after you had caused it to be abandoned, by rendering it impossible for us to carry it out. I seek no partisan advantage; I desire no personal triumph. I am willing to let by-gones be by-gones with every man who, in this exigency, will show by his vote that he loves his country more than his party.

I presented to the committee of thirteen, and also introduced into the Senate, another plan by which the slavery question may be taken out of Congress and the peace of the country maintained. It is, that Congress shall make no law on the subject of slavery in the Territories, and that the existing *status* of each Territory on that subject, as it now stands by law, shall remain unchanged until it has fifty thousand inhabitants, when it shall have the right of self-government as to its domestic policy; but with only a Delegate in each House of Congress until it has the population required by the Federal ratio for a Representative in Congress, when it shall be admitted into the Union on an equal footing with the original States. I put the number of inhabitants at fifty thousand before the people of the Territory shall change the *status* in respect to slavery as a fair compromise between the conflicting opinions upon this subject. The two extremes, North and South, unite in condemning the doctrine of popular sovereignty in the Territories upon the ground that the first few settlers ought not to be permitted to decide so important a question for those who are to come after them. I have never considered that objections well taken, for the reason that no Territory should be organized with the right to elect a Legislature and make its own laws upon all rightful subjects of legislation, until it contained a sufficient population to constitute a political community; and whenever Congress should decide that there was a sufficient population, capable of self-government, by organizing the Territory, to govern themselves upon all other subjects, I could never perceive any good reason why the same political community should not be permitted to decide the slavery question for themselves.

But, since we are now trying to compromise our difficulties upon the basis of mutual concessions, I propose to meet both extremes half way, by fixing the number at fifty thousand. This number, certainly, ought to be satisfactory to those States which have been admitted into the Union with less than fifty thousand inhabit-

ants. Oregon, Florida, Arkansas, Mississippi, Alabama, Ohio, Indiana, and Illinois, were each admitted into the Union, I believe, with less than that number of inhabitants. Surely the Senators and Representatives from those States do not doubt that fifty thousand people were enough to constitute a political community capable of deciding the slavery question for themselves. I now invite attention to the next proposition.

In order to allay all apprehension, North or South, that territory would be acquired in the future for sectional or partisan purposes, by adding a large number of free States on the North, or slave States on the South, with the view of giving the one section or the other a dangerous political ascendancy, I have inserted the provision that "No more territory shall be acquired by the United States, except by treaty or the concurrent vote of two-thirds in each House of Congress." If this provision should be incorporated into the Constitution, it would be impossible for either section to annex any territory without the concurrence of a large portion of the other section; and hence there need be no apprehension that any territory would hereafter be acquired for any other than such national considerations as would commend the subject to the approbation of both sections.

I have also inserted a provision confining the right of suffrage and of holding office to white men, excluding the African race. I have also inserted a provision for the colonization of free negroes from such States as may desire to have them removed, to districts of country to be acquired in Africa and South America. In addition to these, I have adopted the various provisions contained in the proposition of the Senator from Kentucky, in reference to fugitive slaves, the abolition of slavery in the forts, arsenals, and dock-yards in the slave States and in the District of Columbia, and the other provisions for the safety of the South. I believe this to be a fair basis of amicable adjustment. If you of the Republican side are not willing to accept this, nor the proposition of the Senator from Kentucky, [MR. CRITTENDEN,] pray tell us what you are willing to do? I address the inquiry to the Republicans alone, for the reason that in the committee of thirteen, a few days ago, every member from the South, including those from the cotton States, [MESSRS. TOOMBS and DAVIS,] expressed their readiness to accept the proposition of my venerable friend from Kentucky [MR. CRITTENDEN] as a final settlement of the controversy, if tendered and sustained by the Republican members. Hence, the sole responsibility of our disagreement, and the only difficulty in the way of an amicable adjustment, is with the Republican party.

At first, I thought your reason for declining to adjust this question amicably, was that the Constitution, as it stands, was good enough, and that you would make no amendment to it. That position has already been waived. The great leader of the Republican party, [MR. SEWARD,] by the unanimous concurrence of his

friends, brought into the committee of thirteen a proposition to amend the Constitution. Inasmuch, therefore, as you are willing to amend the instrument, and to entertain propositions of adjustment, why not go further, and relieve the apprehensions of the southern people on all points where you do not intend to operate aggressively? You offer to amend the Constitution, by declaring that no future amendments shall be made which shall empower Congress to interfere with slavery in the States.

Now, if you do not intend to do any other act prejudicial to their constitutional rights and safety, why not relieve their apprehensions by inserting, in your own proposed amendment to the Constitution, such further provisions as will, in like manner, render it impossible for you to do that which they apprehend you intend to do, and which you have no purpose of doing, if it be true that you have no such purpose? For the purpose of removing the apprehensions of the southern people, and for no other purpose, you propose to amend the Constitution, so as to render it impossible, in all future time, for Congress to interfere with slavery in the States where it may exist under the laws thereof. Why not insert a similar amendment in respect to slavery in the District of Columbia, and in the navy-yards, forts, arsenals, and other places within the limits of the slaveholding States, over which Congress has exclusive jurisdiction? Why not insert a similar provision in respect to the slave trade between the slaveholding States? The southern people have more serious apprehensions on these points than they have of your direct interference with slavery in the States.

If their apprehensions on these several points are groundless, is it not a duty you owe to God and your country to relieve their anxiety and remove all causes of discontent? Is there not quite as much reason for relieving their apprehensions upon these points, in regard to which they are much more sensitive, as in respect to your direct interference in the States, where they know and you acknowledge that you have no power to interfere as the Constitution now stands? The fact that you propose to give the assurance on the one point and peremptorily refuse to give it on the others, seems to authorize the presumption that you do intend to use the powers of the Federal Government for the purpose of direct interference with slavery and the slave trade everywhere else, with the view to its indirect effects upon slavery in the States; or, in the language of Mr. Lincoln, with the view of its "ultimate extinction in all the States, old as well as new, north as well as south."

If you had exhausted your ingenuity in devising a plan for the express purpose of increasing the apprehensions and inflaming the passions of the southern people, with the view of driving them into revolution and disunion, none could have been contrived better calculated to accomplish the object than the offering of that one amendment to the Constitution, and rejecting all others which are infinitely more important

to the safety and domestic tranquility of the slaveholding States.

In my opinion, we have now reached a point where this agitation must close, and all the matters in controversy be finally determined by constitutional amendments, or civil war and the disruption of the Union are inevitable. My friend from Oregon [Mr. BAKER,] who has addressed the Senate for the last two days, will fail in his avowed purpose to "evade" the question. He claims to be liberal and conservative; and I must confess that he seems the most liberal of any gentleman on that side of the Chamber, always excepting the noble and patriotic speech of the Senator from Connecticut, [Mr. DIXON,] and the utmost extent to which the Senator from Oregon would consent to go, was to devise a scheme by which the real question at issue could be evaded.

I regret the determination, to which I apprehend the Republican Senators have come, to make no adjustment, entertain no proposition, and listen to no compromise of the matters in controversy.

I fear, from all the indications, that they are disposed to treat the matter as a party question, to be determined in caucus with reference to its effects upon the prospects of their party, rather than upon the peace of the country and the safety of the Union. I invoke a their deliberate judgment whether it is not a dangerous experiment for any political party to demonstrate to the American people that the unity of their party is dearer to them than the Union of these States. The argument is, that the Chicago platform having been ratified by the people in a majority of the States must be maintained at all hazards, no matter what the consequences to the country. I insist that they are mistaken in the fact when they assert that this question was decided by the American people in the late election. The American people have not decided that they preferred the disruption of this Government, and civil war with all its horrors and miseries, to surrendering one iota of the Chicago platform. If you believe that the people are with you on this issue, let the question be submitted to the people on the proposition offered by the Senator from Kentucky, or mine, or any other fair compromise, and I will venture the prediction that your own people will ratify the proposed amendments to the Constitution, in order to take this slavery agitation out of Congress, and restore peace to the country, and insure the perpetuity of the Union.

Why not give the people a chance? It is an important crisis. There is now a different issue presented from that in the presidential election. I have no doubt that the people of Massachusetts, by an overwhelming majority, are in favor of a prohibition of slavery in the Territories by an act of Congress. An overwhelming majority of the same people were in favor of the instant prohibition of the African slave trade, on moral and religious grounds, when the Constitution was made. When they found that the Constitution could not be adopted and the

Union preserved, without surrendering their objections on the slavery question, they, in the spirit of patriotism and of Christian feeling, preferred the lesser evil to the greater, and ratified the Constitution without their favorite provision in regard to slavery. Give them a chance to decide now between the ratification of these proposed amendments to the Constitution and the consequences which your policy will inevitably produce.

Why not allow the people to pass on these questions? All we have to do is to submit them to the States. If the people reject them, theirs will be the responsibility, and no harm will have been done by the reference. If they accept them, the country will be safe, and at peace. The political party which shall refuse to allow the people to determine for themselves at the ballot-box the issue between revolution and war on the one side, and obstinate adherence to a party platform on the other, will assume a fearful responsibility. A war upon a political issue, waged by the people of eighteen States against the people and domestic institutions of fifteen sister States, is a fearful and revolting thought. The South will be a unit, and desperate, under the belief that your object in waging war is their destruction, and not the preservation of the Union; that you meditate servile insurrection, and the abolition of slavery in the Southern States, by fire and sword, in the name and under pretext of enforcing the laws and vindicating the authority of the Government. You know that such is the prevailing, and, I may say, unanimous opinion at the South; and that ten million people are preparing for the terrible conflict under that conviction.

When there is such an irrepressible discontent pervading ten million people, penetrating the bosom of every man, woman, and child, and, in their estimation, involving everything that is valuable and dear on earth, is it not time to pause and reflect whether there is not some cause, real or imaginary, for apprehension? If there be a just cause for it, in God's name, in the name of humanity and civilization, let it be removed. Will we not be guilty, in the sight of Heaven and of posterity, if we do not remove all just cause before proceeding to extremities? If, on the contrary, there be no real foundation for these apprehensions; if it be all a mistake, and yet they, believing it to be a solemn reality, are determined to act on that belief, is it not equally our duty to remove the misapprehension? Hence the obligation to remove the causes of discontent, whether real or imaginary, is alike imperative upon us, if we wish to preserve the peace of the country and the Union of the States.

It matters not, so far as the peace of the country and the preservation of the Union are concerned, whether the apprehensions of the southern people are well founded or not, so long as they believe them, and are determined to act upon that belief. If war comes, it must have an end at some time; and that termination, I apprehend, will be a final separation. Whether

the war last one year, seven years, or thirty years, the result must be the same—a cessation of hostilities when the parties become exhausted and a treaty of peace recognizing the separate independence of each section. The history of the world does not furnish an instance, where war has raged for a series of years between two classes of States, divided by a geographical line under the same national Government, which has ended in reconciliation and reunion. Extinction, subjugation, or separation, one of the three, must be the result of war between the northern and southern States. Surely, you do not expect to exterminate or subjugate ten million people, the entire population of one section, as a means of preserving amicable relations between the two sections?

I repeat, then, my solemn conviction that war means disunion—final, irrevocable, eternal separation. I see no alternative, therefore, but a fair compromise, founded on the basis of mutual concessions, alike honorable, just, and beneficial to all parties, or civil war and disunion. Is there anything humiliating in a fair compromise of conflicting interests, opinions, and theories, for the sake of peace, union, and safety? Read the debates of the Federal convention, which formed our glorious Constitution, and you will find noble examples, worthy of imitation; instances where sages and patriots were willing to surrender cherished theories and principles of government, believed to be essential to the best form of society, for the sake of peace and unity.

I never understood that wise and good men ever regarded mutual concessions by such men as Washington, Madison, Franklin, and Hamilton, as evidences of weakness, cowardice, or want of patriotism. On the contrary, this spirit of conciliation and compromise has ever been considered, and will in all time be regarded as the highest evidence which their great deeds and immortal services ever furnished of

their patriotism, wisdom, foresight, and devotion to their country and their race. Can we not afford to imitate their example in this momentous crisis? Are we to be told that we must not do our duty to our country lest we injure the party; that no compromise can be effected without violating the party platform upon which we were elected? Better that all party platforms be scattered to the winds; better that all political organizations be broken up; better that every public man and politician in America be consigned to political martyrdom, than that the Union be destroyed and the country plunged into civil war.

It seems that party platforms, pride of opinion, personal consistency, fear of political martyrdom, are the only obstacles to a satisfactory adjustment. Have we nothing else to live for but political position? Have we no other inducement, no other incentive to our efforts, our toils, and our sacrifices? Most of us have children, the objects of our tenderest affections and deepest solicitude, whom we hope to leave behind us to enjoy the rewards of our labors in a happy, prosperous, and united country, under the best Government the wisdom of man ever devised or the sun of heaven ever shone upon. Can we make no concessions, no sacrifices, for the sake of our children, that they may have a country to live in, and a Government to protect them, when party platforms and political honors shall avail us nothing in the day of final reckoning.

In conclusion, I have only to renew the assurance that I am prepared to coöperate cordially with the friends of a fair, just, and honorable compromise, in securing such amendments to the Constitution as will expel the slavery agitation from Congress and the arena of Federal politics forever, and restore peace to the country, and preserve our liberties and Union as the most precious legacy we can transmit to our posterity.



E.P.
11/60

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